# Submission from the Queenstown Lakes Community Housing Trust on PC50

The Trust submits that PC50 needs to be amended to reflect Council's stated and minuted stance on the implementation and effect of Plan Change 24.

When Plan Change 24 was first introduced by Council, it proposed requiring contributions from developers towards affordable and community housing by way of either a contribution of land or cash to the Queenstown Lakes Community Housing Trust. In this regard, Council resolved in 2009 that it would apply the provisions of Plan Change 24. We attached copies of the Minutes of the Council Meeting dated 27 October 2014 evidencing this position – see item 5.

In the end, PC 24 introduced certain district-wide objectives and policies only, with the main objective being contained in Objective 1 under 4.10.1 being:

Objective 1

Access to Community Housing or the provision of a range of Residential Activity that Contributes to housing affordability in the District.

At the same time, new definitions of "Community Housing" and "Retention Mechanism" were introduced into the plan as follows:

Community Housing Means Residential Activity that maintains long term

affordability for existing and future generations through the use of a Retention Mechanism, and whose cost to rent or own is within the reasonable means of low and moderate income

households.

Retention Mechanism Means those binding agreements which ensure the long term

affordability of Community Housing for existing and future generations, such as Stakeholder Deeds, or the use of covenants, encumbrances or similar legal instruments.

From the Trust's perspective, the main problem with Objective 1 is that it is disjunctive and offers a choice between two forms of housing outcomes...outcome 1 which requires a retention mechanism and outcome 2 which does not require a retention mechanism. The Trust's preferred outcome is always outcome 1 because it enables the Trust to continue to fulfil its mission and mandate of seeking to alleviate housing stress in the District. Contributions from the development of land are essential to the Trust fulfilling its objects.

Given Council's minuted intention that a contribution to community housing should apply when progressing the development of Council-owned land (which remains in force), the Trust submits that PC50 should reflect this by adopting outcome 1 of Objective 1 under 4.10.1 as referred to above. This would entrench outcome 1 and bind any subsequent owners of the land from Council.

If it is not entrenched then the Community runs the risk that a subsequent owner of the land will develop the land without any retention mechanism for the community's benefit.

### **QUEENSTOWN LAKES DISTRICT COUNCIL**

Minutes of a meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Tuesday, 27 October 2009 commencing at 11.00 am.

### **OPENING**

The Deputy Mayor (Councillor J S Wilson) read the invocation.

#### **PRESENT**

Deputy Mayor J S Wilson; Councillors Cocks, Gazzard, Gilmour, Macleod, Mann, Overton, Perkins, van Uden and J R Wilson

#### **IN ATTENDANCE**

Messieurs Duncan Field (Chief Executive), Stewart Burns (Deputy CEO/General Manager Finance), Roger Taylor (General Manager Regulatory and Corporate), Philip Pannett (General Manager Policy and Planning), Mark Kunath (General Manager Infrastructure Services), Lee Webster (Principal: Environmental Health, Lakes Environmental Ltd), Scott Figenshow (Senior Policy Analyst), Nick Karlovsky (Urban Designer), Pat Heslin (Deloitte – for item 10), Richard Cunliffe (MacTodd – for item 15); Mesdames Joanne Conroy (Property Manager, Lakes Property Services), Alyson Hutton (Senior Policy Analyst), Meaghan Miller (Communications Manager), Kelly Campbell (District Secretary), and Jane Robertson (Senior Governance Officer); two members of the media and three members of the public.

# **APOLOGIES**

An apology was received from Mayor Clive Geddes.

On the motion of Councillors Overton and Macleod it was resolved to accept the apology.

#### **CONFIRMATION OF MINUTES**

# 29 September 2009

• The following amendment was made to the minutes: Councillor van Uden re-entered the meeting at 2.40 pm. (Page 14)

On the motion of Councillors van Uden and Perkins it was resolved that the minutes of the ordinary Council meeting held on 29 September 2009 as amended be confirmed as a true and correct record.

Councillor Gilmour abstained from voting as she had not been present at the meeting.

#### **MATTERS LYING ON THE TABLE**

There were no matters lying on the table.

### **CONFIRMATION OF AGENDA**

• The Deputy Mayor advised that the Council's auditor, Mr Pat Heslin (Deloitte), would be in attendance at the meeting for discussion of item 9 ('Annual Report for the Year Ended 30 June 2009') and he sought the Council's permission to alter the order of the agenda items to accommodate Mr Heslin when he arrived. He also reminded Councillors of the planned workshop to follow the meeting.

On the motion of Councillors Mann and J R Wilson the agenda was confirmed with item 9 to be moved forward on the agenda to accommodate the presence of the auditor.

### <u>DECLARATIONS OF CONFLICTS OF INTEREST</u>

 Councillor van Uden advised of a conflict of interest in relation to items 4 and 15 because she undertook work for the personnel involved. She advised of her intention to withdraw from the meeting for discussion of these items.

### **PUBLIC FORUM**

There were no speakers in the Public Forum.

# 1. MAYOR'S AND CHAIRPERSONS' REPORTS

#### Mayor's Report

 The Mayor was on leave for the period covered by this report. Accordingly, the Deputy Mayor reported verbally on the activities he had undertaken on the Mayor's behalf over this time.

#### **Utilities Committee - Councillor Mann**

#### Information:

- Road Naming Middleton Road Extension, Off Frankton Road, Queenstown
- Infrastructure Services Activity Report
- Solid Waste Report
- Water and Waste Operations Update Report
- Church Street/Searle Lane
- Glenda Drive, Intersection Improvements
- National Land Transport Programme
- Monthly Roading Report Operations and Capital Procurement
- Edinburgh Drive Rehabilitation Concept Design
- Loop Road Rehabilitation

#### Ratification:

- Roading Network Operations, Priority Intersection Controls\*

\*Addressed as a separate item on the agenda.

### **Community Services Committee – Councillor Overton**

#### Information:

- Monthly Report
- Street and Amenity Trees Update
- Proposed Reserve Exchange, Kingston

# Ratification:

- Events Strategy - Funding Criteria and Application Process

# Strategy Committee – Councillor Macleod

#### Information:

- Update on Plan Change Underway
- Queenstown/Wakatipu Urban Boundary Discussion Document
   Review of comments at Council meeting of 31 March 2009 by Bryce Whiting
- Resource Management (Simplifying and Streamlining) Amendment Act 2009
- Integrated Transport Assessments
- Glenda Drive Notice of Requirement

#### Ratification:

- Wanaka Town Centre Strategy and Background Document
- Queenstown Lakes District Urban Design Strategy

# Finance and Corporate Accountability Committee – Councillor J S Wilson Information:

- Property Subcommittee minutes
- Queenstown Airport Corporation 2008/09 Annual Report
- Lakes Leisure Ltd 2008/09 Annual Report
- Lakes Engineering Ltd 2008/09 Annual Report
- Lakes Environmental Ltd 2008/09 Annual Report
- QLDC Holiday Parks Year Ended 30 June 2009 Report
- Finance Report for the Period Ended 31 August 2009
- Tenders Board minutes
- Lakes Environmental AGM Annual Report and AGM
- Application for Continuing Rates Rebate Queenstown Fun Centre (Non Public Item)
- QLDC Lake View Holiday Park Cabin Sale (Non Public Item)
- Debt Collection Report for the Period Ended 31 August 2009 (Non Public Item)

# Wanaka Community Board – Chair, Councillor Cocks

#### Information:

- Application to remove selected trees fronting Mt Aspiring Road
- Monthly Activity Report (Community Services)
- Summerdaze Outdoor Cinema Approval Report
- Wanaka Urban Boundary Discussion Document
- Water and Waste Operations Update Report
- Waste Management Report
- Ardmore/Brownston Street Project
- Kings Drive/Ironside Drive Intersection, Wanaka
- Monthly Roading Report Operations and Capital Procurement
- Chairman's Report

# Ratification:

- Temporary Road Closure Goldfields Cavalcade Parade 2009
- Councillor Cocks reported that the Board had resolved to leave the item concerning the application to remove some trees from Mt Aspiring Road lying on the table pending further information clarifying their status.
- A request was made to take each of the recommendations separately

On the motion of Councillors Overton and Gilmour it was resolved that the Committee Chairpersons' reports be received.

### **Community Services Committee**

**Events Strategy – Funding Criteria and Application Process** 

On the motion of Councillors Macleod and van Uden it was resolved that an Events Funding Subcommittee be established to consider applications for funding support under the Event Partnership and Sponsorship Programme, such Subcommittee comprising the following personnel:

- Three Councillors (being Councillors Perkins, van Uden and J S Wilson)
- Arts and Events Facilitator
- Any other co-opted personnel

# **Strategy Committee**

a) Wanaka Town Centre Strategy and Background Document

On the motion of Councillors Macleod and J R Wilson it was resolved that the Wanaka Town Centre Strategy and Wanaka Town Centre Strategy Background Document be adopted.

Councillor Gilmour abstained from voting as she had not been present at the Strategy Committee meeting for the discussion.

b) Queenstown Lakes District Urban Design Strategy

Councillor Macleod moved/Councillor Gazzard seconded that the Queenstown Lakes District Urban Design Strategy be adopted subject to editing, graphic design and layout being finalised.

- Councillor Gilmour advised of her intention to vote against the motion as she had concerns about the document's ease of understanding. She considered it should contain an over-riding vision with actions to achieve these outcomes.
- Councillor van Uden also signalled her intention to vote against the motion. She
  opposed the strategy on a more philosophical level, questioning the need for the
  community to deal with another layer of bureaucracy and expressing concern that it
  would add to the cost and complexity of obtaining planning permission. Councillor
  Cocks echoed these concerns, suggesting that at most, guidelines were required.
- Councillor Macleod acknowledged these concerns, noting that they had already been discussed in some detail at the Strategy Committee meeting and pointing to the document's value providing guidance to Council policy and the wider community. Mr Pannett confirmed that the guidelines contained in the document were not for an individual proposal to be measured against, but to provide a context for development.

The motion was put and <u>carried</u> on a show of hands 7:3, with Councillors Cocks, Gilmour and van Uden recording their votes against.

# **Wanaka Community Board**

Temporary Road Closure – Goldfields Cavalcade Parade 2010

On the motion of Councillors Perkins and Overton it was resolved that the following road be closed subject to:

- Approval of the final Traffic Management Plan by Queenstown Lakes District Engineering Department;
- 2. The event organisers arranging suitable disposal methods for recycling and rubbish/refuse.

Road to be Closed: Ardmore Street from Stratford Terrace to McDougall Street Period of Closure: 11.00 am to 1.30 pm Saturday 27 February 2010

As agreed earlier, item 9 was brought forward to accommodate the arrival of the auditor, Mr Pat Heslin (Deloitte) at the meeting.

#### 9. ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2009

- A covering report from Stewart Burns (General Manager Finance/Deputy CEO) dated 16 October 2009 introduced the 2008/09 Annual Report.
- Mr Burns and Mr Heslin joined the table. Mr Burns circulated a schedule of minor amendments sought by the auditors after preparation of the document issued with the meeting agenda.
- Mr Burns commented extensively on the operating deficit recorded, highlighting the various reasons for this result. He also highlighted how the amended pages sought to provide further detail about this result.
- A list of Council's investment properties was sought. Mr Burns undertook to provide this information to the next meeting of the Finance and Corporate Accountability Committee.
- An error on page 71 was noted, where no percentage value was shown in relation to satisfaction with District Plan planning policy.
- Councillor van Uden asked why the Employee Benefits Expense was over budget by \$520,000. Mr Burns advised that this was mainly due to the increase in the library opening hours, a greater than anticipated allocation of Community Services salaries to operational costs because part of the capital works programme had not been delivered and positions outside the Council. This had been partially off-set by bringing the horticulture team in-house.

Councillors expressed concern that these issues had not previously been reported to Standing Committees. They stressed the need to monitor such issues more closely, particularly in the present financially pressured times.

- Councillor van Uden cited a number of examples where further information
  on the performance measures other than 'achieved' was desirable.
  Councillor Macleod asked that a performance measure for Destination
  Queenstown be an increase in visitor nights. Councillor van Uden
  expressed the view that reporting requirements should be commensurate
  with the quantum of funding received and asked that this be reflected in the
  reporting produced for the following year.
- Councillor Gilmour noted that the Chief Executive's commentary reported upon the change in service delivery but did not record a resultant improvement in service delivery. She suggested that some text be added to clarify this point.
- The Chief Executive agreed that General Managers should report any significant variances or strategic shifts to Standing Committees throughout the year, but he highlighted the difficulty in making major changes to the annual report at this stage of the statutory process. He also did not believe there was great merit in amending a document that was essentially retrospective.
- Mr Heslin observed that the annual report largely contained data required by international financial reporting standards. He agreed that it had limited relevance to local government in New Zealand and this was driving the possibility of a change in reporting requirements. He was comfortable with the changes highlighted by Mr Burns and the minor amendments sought by Councillors.

On the motion of Councillors Mann and Macleod it was resolved:

- That pursuant to Sections 98 and 99 of the Local Government Act 2002, the Queenstown Lakes District Council adopts the Annual Report for the year ended 30 June 2009 as amended at the meeting and subject to any final minor corrections; and
- 2. That the matters related to the monitoring of new initiatives be referred to the relevant Standing Committees.

The meeting adjourned at 12.31 pm and reconvened at 1.03 pm.
Councillors Mann and van Uden were not present when the meeting reconvened.
Councillor Perkins advised of his intention to leave the meeting at 3.30 pm.
The agenda returned to the printed order of items.

# 2. CHIEF EXECUTIVE'S REPORT

- A report from the Chief Executive dated 7 October 2009 provided an update on:
  - Ministerial Review of Safety in Tourism
  - Wholly Operative District Plan
  - QLDC Bond Issue

maintenance of the road. Notwithstanding this, she noted that a under the conditions of resource consent the operators were required to maintain the road to a specified standard, in which case she expected that it would be appropriate to retain a peppercorn rental.

Councillor Cocks re-entered the meeting at 1.34 pm.

On the motion of Councillors Overton and Perkins it was resolved:

That the Queenstown Lakes District Council grant new leases to Queenstown Hardfill Limited and Fulton Hogan over Section 3, SP 409393 subject to the following terms and conditions:

Term:

10 years

Right of Renewal:

2 rights of renewal of 10 years

each

Rent:

\$200 plus GST per annum

Reviews:

Three yearly taking into account the cost of forming and

maintaining the road

Use:

Gravel stockpiling, crushing,

screening and sales

Limitations:

No structures without QLDC written approval. That the operators must at all times fulfil the conditions of the resource consent applicable at the time

Insurance:

The applicants will be required to provide evidence of public liability insurance being current

Subject to the approval of the Minister of

Conservation.

The meeting returned to consideration of item 3.

# 3. <u>REPLACEMENT BYLAW - CONTROL OF LIQUOR IN PUBLIC PLACES</u> BYLAW 2009

- Councillor Cocks advised that the liquor ban area excluded the following roadways listed on the schedule:
  - Andersons Road
  - Aubrev Road
  - Beacon Point Road
  - Penrith Park Drive
- It was noted that the above roadways were not included in the shaded area contained in Schedule A (4) in the agenda papers.
- The third part of the recommendation was deleted as it covered purely administrative matters.

On the motion of Councillors Macleod and Gilmour it was resolved:

- a) That the report be received;
- b) That the draft Queenstown Lakes District Council Control of Liquor in Public Places Bylaw 2009 be adopted, with an implementation date 1<sup>st</sup> December 2009; and
- Councillor Gilmour commended Mr Webster for his conduct of the public consultation process on this new Bylaw.

# 5. <u>DEVELOPMENT OF COUNCIL LAND AND APPLICATION OF PLAN CHANGE 24: AFFORDABLE HOUSING</u>

A report from Scott Figenshow (Senior Policy Analyst – Housing) dated 12
October 2009 sought confirmation that the provisions of Plan Change 24:
Affordable and Community Housing would apply to Council when
undertaking development of Council-owned land.

On the motion of Councillors J R Wilson and Gilmour it was resolved:

- 1. That the report be received; and
- 2. That the Council shall apply the provisions of Plan Change 24: Affordable and Community Housing when progressing development of Council-owned land.

Councillor Gazzard recorded his vote against the motion.

# 6. <u>COMMISSIONERS' RECOMMENDATION – PLAN CHANGE 5B – BIBLE</u> FACE

A report from Alyson Hutton (Senior Policy Analyst) dated 13 October 2009 introduced the commissioners' recommendations for Plan Change 5B – Bible Face. Appended to the report were the commissioners' recommendation and the resultant amendments to the District Plan.

On the motion of Councillors Cocks and Gazzard it was resolved:

- 1. That the report be received; and
- 2. That the Council adopt the Commissioners' recommendation as a Council decision and direct staff to notify the decision in accordance with the 1<sup>st</sup> schedule of the Resource Management Act 1991.

# 7. ROADING NETWORK OPERATIONS: PRIORITY INTERSECTION CONTROLS

- A report from Geoff Cobb (Acting Transport Manager) dated 12 October 2009 proposed the installation of controls at a number of different intersections for the Council's approval. The issue had been earlier considered by the Utilities Committee at which a number of amendment and additions had been made to the original recommendations, with the amended schedule attached for consideration.
- Mr Kunath joined the table on Mr Cobb's behalf. Whilst acknowledging the concerns expressed by the Utilities Committee about the Fernhill Road/Greenstone Place, he noted that further investigation and consultation were required before any changes could be implemented.

On the motion of Councillors Mann and Perkins it was resolved:

- 1. That this report be received; and
- 2. That Council approves the installation of intersection controls as set out in the attached Schedule of Intersection Controls [and as attached to these minutes as Appendix 1].

# 8. QUEENSTOWN LAKES DISTRICT COUNCIL SPEED LIMITS BYLAW 2009 DRAFT AMENDMENT NO 1, 2010

- A report from Ian Marshall (Roading Manager) dated 13 October 2009 set out the statutory procedure to make four amendments to the Queenstown Lakes District Council Speed Limits Bylaw 2009. The proposed amendments related to Ballantyne Road (Wanaka), Joe O'Connell Drive (Frankton), Camp Lane (Frankton) and Searle Lane (Queenstown CBD) and the amended Bylaw would be known as Amendment No. 1 of 2010. The proposal required Council approval in order to commence the special consultative procedure and a hearings panel should also be established.
- Councillors raised a number of other possible roadways requiring review.
   Mr Kunath advised that the amendment proposed could not be changed at this stage of the statutory process, but he signalled that staff intended to undertake an annual review procedure to address new requests.

On the motion of Councillors Mann and Gilmour it was resolved:

- That the Council receives this report on the draft Amendment No 1 of 2010 to the Queenstown Lakes District Council Speed Limits Bylaw 2009 with a draft Statement of Proposal annexed to the report;
- 2. That the Council adopts the draft Amendment No 1 of 2010 to the Queenstown Lakes District Council Speed Limits Bylaw 2009 along with the Statement of Proposal for the purposes of

consultation under section 86 Local Government Act 2002; and

3. That a hearings panel comprising Councillors Cocks, Gilmour and Perkins be established to hear any submissions made.

### 10. ULTRA-FAST BROADBAND

- A report from Roger Taylor (General Manager Regulatory and Corporate Services) dated 15 October 2009 summarised progress with central government's initiative to accelerate the provision of ultra-fast broadband to urban communities. The report:
  - (1) Sought the Council's views on a Ministry for Economic Development discussion document on the deployment of broadband infrastructure, submissions for which were due on 6 November; and
  - (2) Discussed the options for Council's involvement in a 'Local Fibre Company', through which funding from the Crown Fibre Investment Company would be sought, proposals for which were required by 13 November.
- Mr Taylor and Mr Kunath joined the table.
- Mr Taylor noted that the government's invitation to participate indicated that
  funding from the Crown Fibre Investment Company would be available in
  one tranche only. For this reason and despite the short timeframe available,
  Councillors expressed concern that failure to make a submission could
  result in the district missing this funding opportunity. Members identified a
  number of local organisations which would also have an interest in the
  formation of a Local Fibre Company and with which the Council could work.
  The Chief Executive was asked to suggest a further recommendation which
  would encompass this view.
- Members turned to content of a submission on deployment issues. Mr Kunath observed that whilst shallow trenching and micro trenching were much cheaper than normal trenching which was usually at a depth of 900-1000 mm, a key disadvantage was the high risk of damage to services in shallow trenches when undertaking other work on a roadway. This could result in Council incurring unanticipated costs in addressing accidental damage. Mr Kunath also observed that Council's power pole undergrounding programme meant that the use of existing power pole infrastructure was not favoured for broadband infrastructure, nor were there any redundant underground networks available for use. In relation to the other deployment issues raised, Councillors expressed support for developing a stream-lined planning process and the inclusion of telecommunication standards as good practice under the building code.
- Mr Taylor undertook to circulate a draft submission to Councillors for comment.

On the motion of Councillors Cocks and Mann it was resolved:

1. That the report be received;

- That the Council note that a submission to the MED on the discussion paper on the deployment of broadband will be prepared by officers based on Councillor comments on the matters raised by this paper; and
- 3. That the Chief Executive be authorised to approach potential investors in a Local Fibre Company to seek assurance that the communities in the district can take advantage of the government's ultrafast broadband initiative.

# 11. LEGAL SERVICES REVIEW

- A report from Roger Taylor (General Manager Regulatory and Corporate Services) dated 19 October 2009 summarised progress to date on the procurement process to engage a legal services provider following the expiry of the contract with MacTodd from August 2010. The report recommended that two Councillors be appointed to an evaluation team which would assess the proposals received and make a recommendation for the Chief Executive's consideration.
- Consideration was given to the Councillor representatives on the evaluation panel. It was noted that Councillors van Uden and J S Wilson had already expressed an interest in membership. It was also suggested that the Chairperson of the Strategy Committee should participate, as this was a Council activity area which made extensive use of legal services. Although the report recommended the involvement of two Councillors only, Councillor Macleod pointed out that the involvement of three elected members would provide a good balance and leave room for any conflicts of interest to be addressed.

On the motion of Councillors Perkins and Gazzard it was resolved:

- 1. That the report be received; and
- 2. That Council appoint Councillors Macleod, van Uden and J S Wilson to the evaluation team to assess proposals for the provision of legal services.

# RESOLUTION TO EXCLUDE THE PUBLIC

On the motion of Councillors Mann and Overton it was resolved that the public be excluded from the following parts of the proceedings of the meeting:

Item 12: Lakes Environmental Directors

Item 13: Ministerial Review of Safety in Adventure Tourism

Item 14: Around the Mountain Trail

Item 15: Wanaka Landfill

The general subject of the matters to be discussed while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(a) of the Local Government Information and Meetings Act 1987 for the passing of this resolution is as follows:

	Reason for passing this resolution.	Grounds under Section
considered.		7 for the passing of this resolution.
12. Lakes Environmental Directors	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to:	
	(a) protect the privacy of natural persons, including that of deceased natural persons.	Section 7(2)(a)
	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to:	
	(a) protect the privacy of natural persons, including that of deceased natural persons.	Section 7(2)(a)
14. Around the Mountain Trail	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to:	
	(i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)
15. Wanaka Landfill	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to:	
	(i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	

This resolution is made in reliance on Section 48 [1] [a] of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982 as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above with respect to each item.

The meeting went into non public at 2.46 pm at which point it adjourned.

The meeting reconvened in non public at 3.00 pm. Councillor Mann was not present when the meeting reconvened.